

Session 15-01, a Regular Meeting of the Cannabis Advisory Commission was called to order by Chair Aryn Young at 5:02 p.m. on May 28, 2015 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS ROBL, HARRIS, STEAD, YOUNG, MONROE, JONES, BURGESS, LEWIS

ABSENT: COMMISSIONER ETZWILER (EXCUSED)

STAFF: CITY PLANNER ABBOUD  
DEPUTY CITY CLERK KRAUSE

### **APPROVAL OF AGENDA**

Acting Chair Young called for a motion to approve the agenda as presented.

LEWIS/BURGESS - SO MOVED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PUBLIC COMMENT**

The public may speak to the Commission regarding matters on the agenda that are not scheduled for public hearing. (3 minute time limit).

There were no comments from the audience present.

### **RECONSIDERATION**

No items were scheduled for reconsideration.

### **ADOPTION OF CONSENT AGENDA**

*(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Commissioner.)*

There were no items on the consent agenda for this meeting.

### **STAFF REPORTS**

There were no staff reports.

### **PUBLIC HEARINGS**

*(Public Testimony is limited to 3 minutes. The Commission conducts Public Hearings by hearing a staff report if any, hearing public testimony and then acting on the Public Hearing items. Once the public hearing is closed the Commission cannot hear additional comments on the topic.)*

There were no items for public hearing.

### **PENDING BUSINESS**

There were no items under pending business.

**NEW BUSINESS**

**A. Election of Chair and Vice Chair**

Acting Chair Young read the title into the record.

Commissioner Lewis nominated Commissioner Young for Chair. Commissioner Burgess seconded the motion.

Acting Chair Young called for further nominations. None were offered. Commissioner Lewis moved to close the nominations for Chair, seconded by Commissioner Burgess.

VOTE. YES, LEWIS, BURGESS, JONES, MONROE, STEAD, HARRIS, ROBL

Motion carried.

Chair Young called for nominations of Vice Chair.

Commissioner Lewis nominated Commissioner Monroe for Vice Chair. Commissioner Burgess seconded the motion. Chair Young called for further nominations; seeing none Chair Young closed the nominations for Vice Chair.

VOTE. YES. ROBL, HARRIS, STEAD, YOUNG, JONES, BURGESS, LEWIS

Motion carried.

**B. Establishing a Regular Meeting Schedule of the Commission**

Chair Young introduced the item for discussion.

BURGESS/LEWIS - MOVED TO ESTABLISH 5:30 P.M. AS THE REGULAR START TIME FOR ALL MEETINGS OF THE COMMISSION.

There was a brief discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/LEWIS - MOVED TO ESTABLISH THE FOURTH THURSDAY OF THE MONTH AS THE REGULAR MEETING DAY WITH THE EXCEPTION OF THE NOVEMBER AND DECEMBER MEETINGS WHICH WILL BE THE LAST MONDAY OF THE MONTH IN NOVEMBER AND THE THRID THURSDAY IN DECEMBER.

There was a brief discussion and clarification on the meeting date of the fourth Thursday being preferable for staff and the Clerk's Office due to existing workload.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**C. Request to Consider Renaming the Commission to Follow the State of Alaska**

Chair Young introduced the item into the record and asked for discussion.

Commissioner Burgess called for a point of order and inquired of the Clerk if they were indeed allowed to change the name of the commission. The Clerk stated that if they were to change the name this was the appropriate time to do that.

BURGESS/LEWIS - MOVED TO RECOMMEND TO COUNCIL TO RENAME THE CANNABIS ADVISORY COMMISSION TO MARIJUANA ADVISORY COMMISSION TO FOLLOW THE STATE OF ALASKA.

Discussion ensued with the following points noted:

- Countering the Council's decision on naming the commission as Cannabis
- The idea to be consistent with the State at this time since the state is inconsistent with its use of the terminology and is also not consistent with the Federal Government.
- The use of Cannabis is botanically correct as well as allows the commission to consider and enter discussion in the future on industrial hemp which the term marijuana would provide limitations
- The term marijuana was intentionally introduced to obfuscate that cannabis was what was being talked about at that time.
- Cannabis products were part of the pharmacopeia and available in the Sears Roebuck Catalog and in order to ban its use it was vilified unjustly.
- Whether the inconsistency in naming would be germane to the regulatory bodies when and if the state assigns authority to those regulatory bodies there may be a potential to be ineligible. They could consider changing the name at that time if there is precedent.
- Compromise including both names in the name in the title.
- Preference to have one name or the other

Commissioner Burgess would do further research on the issue for the next meeting but opined that it did not necessitate rapid attention unless there is some regulatory issue with naming consistency with the State or Federal Government.

Commissioner Monroe added that in regards to meeting statutory requirements, with regard to licensing, the commission currently does not meet those and unless they meet additional benchmarks they will not be eligible for consideration of the State Board to collect fees, etc.

VOTE. YES. LEWIS, ROBL.

NO. BURGESS, JONES, MONROE, YOUNG, STEAD, HARRIS.

Motion failed.

It was clarified that this item could be brought back at a later date if necessary.

#### D. Attendance at City Council Meetings to Provide Status Updates

Chair Young read the title into the record and inquired if there were any volunteers at this time.

Commissioner Harris requested clarification on the start of the council meeting. Commissioner Burgess suggested that since Commissioner Lewis and he are in attendance at most all the Council meetings if a commissioner is unable to attend they can provide an update. Commissioner Monroe requested clarification on the intent tonight was to fill all the meetings or just the first ones.

Deputy City Clerk responded that was the preferred process and also noted that it is not required to have someone at each Council meeting but to have a presence at one each month.

Commissioner Jones offered to attend the June 15<sup>th</sup> meeting.

Commissioner Robl offered to attend the August 10<sup>th</sup> meeting.

Commissioner Monroe volunteered for October 12<sup>th</sup> and Commissioner Stead took October 26<sup>th</sup>

A discussion ensued regarding attendance at each meeting or just one meeting preferably after the commission meetings so that they will have something to report to council. Commissioner Burgess responding to Commissioner Harris

LEWIS/MONROE - MOVED TO HAVE A COMMISSIONER ATTEND THE FIRST COUNCIL MEETING SCHEDULED AFTER A COMMISSION MEETING.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/LEWIS - MOVED TO MODIFY THE PREVIOUS MOTION TO ATTEND THE COUNCIL MEETING IMMEDIATELY FOLLOWING A COMMISSION MEETING SINCE SOME MONTHS THERE IS ONLY ONE COUNCIL MEETING.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- E. Drafting the Cannabis Advisory Commission Bylaws
1. Parks and Recreation Advisory Commission Bylaws
  2. Homer Advisory Planning Commission Bylaws
  3. Economic Development Advisory Commission Bylaws

Chair Young read the title into the record and noted that there were no recommendations from staff.

Commissioner Burgess requested clarification from the Clerk regarding procedures and process.

BURGESS/MONROE - MOVED TO USE THE PARKS AND RECREATION ADVISORY COMMISSION BYLAWS AS A TEMPLATE WITH ANY MODIFICATIONS AND BRING TO THE NEXT REGULAR MEETING FOR REVIEW FURTHER AMENDMENTS AND ADOPTION.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

#### **INFORMATIONAL MATERIALS**

A. Colorado's Legalization of Marijuana and the Impact on Public Safety: A Practical Guide for Law Enforcement

The commissioners discussed the document indicating appreciation for Commissioner Robl's forethought to include the document in their first packet. While a lengthy document there was good information in it.

Commissioner Burgess read the document and stated his take is on the following two items and requested input from Commissioner Robl on:

- Robberies and Thefts associated with retail facilities and how could the commission address that; and
- Gathering data matrixes as legalization goes forward to analyze the impact of the legalization

Commissioner Robl responded that he thought Commissioner Burgess' observations were accurate and was unsure how they would do that and one of the things they should keep in mind and seen in Colorado, was increased use among youth and underage persons. He is not sure how to track that. He wanted the commission to review stats that came from a vetted source noting that when you go to the

internet there are things on there that seem to be a very solid source of information but are not, so you need to be careful when obtaining information from the internet.

Commissioner Lewis inquired about the increase use in youth how that compared with the use in alcohol in Colorado, Commissioner Robl has not seen any stats on that and there may be studies out there in that regard but he is not sure where they could find that information.

Commissioner Harris commented on the accessibility issues and the use of pot replacing the use of other drugs such as heroin, cocaine or prescription drugs.

Commissioner Monroe agreed with Commissioner Robl on the resources available online, he cited the information available in a Safe Kids study that indicated pockets of increased use and that most of these places are only in their second year since legalization so it's really hard to determine the overall effect of something and that they should keep their eyes on.

Further points made by the commissioners were:

- Consideration for the foot traffic and kinds of activities with the types of businesses in regards to zoning
- Inadequate infrastructure for handling All Cash Businesses
- Recommendations of types of security systems such as forward face cameras when people walk in the door, Silent Alarms, and safes bolted to the floor
- Required Picture Identification to enter a premise
- Limiting the number of persons in the store
- Review of drafted state requirements since that was outlined in the Ballot Initiative

#### B. Appointments to the Commission

There were no comments or discussion on the item.

#### C. State of Alaska Proposed Regulations Regarding Marijuana and Local Options

There was a brief discussion on responding to this and the commission agreed by consensus that at this time they did not need to respond. However, they requested the Clerk to send a notification to Cynthia A Franklin, Director, Alcoholic Beverage Control Board/Marijuana Control Board and the Legislative Representatives of the creation and activation of the Commission along with contact information requesting they be notified through the Clerk's Office of any and all legislation, meetings, events, etc. related to cannabis.

#### COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

Ginny Espenshade, city resident, thanked the commissioners, this was important, she was the executive director and legal advisory of the Kenai Peninsula Youth Court which is a diversion program for youths under the age of 18, they get into trouble with the law, they receive alcohol and marijuana cases from the District Court and Juvenile Justice, they could provide you the stats, that agency on kids that are caught, the School District could provide the stats for kids suspended from school, they can tease out the alcohol and marijuana cases from those stats she believed; the Kasey Foundation does an annual kids count report and there is a Youth Risk Survey that is done every other year in the schools. She would be glad to share those reports with the commission. She was gratified that the commission was keeping in mind the impact on youth; she was not present to argue what is a Gateway Substance. She believed that there were Gateway situations and Gateway messages. Ms. Espenshade further believes that like alcohol, some things, more normalized are not bad for you, just too early. She hopes that when they make their recommendations of policy they have a check off - did we think of the kids? The 18-21 will not be kids, it will be illegal for them to possess, they are not juveniles so those records are public, if they are convicted they will not be able to get a student loan, some states they can't get licenses or adopt. She did not want to set up their youth for those obstacles down the road.

Wes Schacht, non-resident, longtime advocate of regulation and legalization and cannabis is the true name of the plant not marijuana and they named the commission, Cannabis and since they hope to include industrial Cannabis in their legislation. He hopes the State will change their name to Cannabis too.

Larry Slone, city resident, agreed with the previous comments, with regard to retaining the name of the commission, marijuana still retains negative emotional connotations to the general public and it would be best for the commission to start out on the most neutral of positions and try to maintain that neutrality throughout until they are compelled by the state to keep the name of Cannabis Commission. He appreciated the commissioners for serving and appreciates them taking this first step of the journey for the benefit of the community.

#### **COMMENTS OF STAFF**

Mr. Abboud commented on his minor involvement thus far with the issue in conferences in Seattle and he looks at this as four things - places that sell it, places that manufactures it, places that test it and places that grow it. As staff he will try to coordinate with what the commission is required to do and objectives to accomplish what the commission wants to do and how to get there; he suggested work on defining these activities and they can talk about negative or positive "exponentialities", like how it affects your neighbors and other people and where they want this and don't want this; the commission can review what other municipalities have done, debate and make recommendations. The one thing he does not have a lot of information is the cannabis operation and how this will be regulated by the State but as a crop he is not sure how it will be treated or separated and agricultural activities in the city are another issue.

Ms. Krause stated the commission did very well for the first meeting, motions were well done, clear and Commissioner Burgess can do her job when he's done, awesome use of Robert's Rules.

#### **COMMENTS OF THE CHAIR**

Chair Young stated she was very excited, they have lots of work ahead of the commission and she is looking forward to it.

#### **COMMENTS OF THE COMMISSION**

Commissioner Robl stated he views his presence on the commission as one of law enforcement perspective and definitely has the best interest of youth at all time, he definitely has concern for the impact and effect on the children, well he calls them kids, those 18-21 years of age, they can make one stupid mistake that plaques them for the rest of their life. He is not sure what the commission can do to impact that but he knows how it works in the world he lives and works in and hopefully he can bring a viewpoint of that to the commission.

Commissioner Harris never thought about the student loan issue, she has a 20 year and that scare her. She does not smoke, one day she plans to when she no longer has responsibilities at home, but she thinks that when you have 70% voting for something they deserve representation and she believes that she can do that.

Commissioner Stead had no comments.

Commissioner Monroe it is a pleasure to sit on this commission with Commissioner Robl as people who in times past been put on opposite sides of an issue, to have all of us look into an issue and find out what is best and not be polarized because of a device of policy that makes some of us as proponents overstate our cases and some of us who are opposed overstate their case, hopefully we are at a point where we can have rational and open discussions and can move forward practically with policies here. Hopefully we can recommend policy that is useful and in the best interest of the community as a whole. For myself, feeling for the most part on the outside of society this is quite a step and

appreciative of the magnitude of the shift. Commissioner Monroe stated he has been involved with the recent Community Conversations on Cannabis. There was no money made or charged. He is hopeful that the Commission will have a voice in that and the intent is the safety issues involved in wholesale experimentation and safety is in all of our interests and maybe he will bring it up as an agenda item and the commission can discuss on how they want to interact with that. He thanked the Commission.

Commissioner Jones commented that he is really excited to be a part of the commission.

Commissioner Burgess stated that he too is really excited to be part of this commission; grateful to be part of any body that has civil and rational discussion and that it is very important to keep in mind how precedent setting this really is in a lot of ways. He was reading the main script from the Colorado Police Commissioner and it shows that there is a lot happening here for the first time and we need to keep in mind how important it is to gather the data, be civil and remember what we do here may be used as an example for others in the future. Commissioner Burgess then stated his agenda is public safety and youth access be first and foremost filters on any decision, second to those, you could refer them to large macro important things or concerns and good for the commission to focus on, as they think about zoning, he would offer from an economic statement in this time of tight budgets, that they need to see this as a resource as well as anything else and that this resource serves the public agenda as well has the costs to regulate and enforce it as well. We certainly will be enforcing safety issues and youth issues arising from the use of this substance whether they regulate it poorly or well and whether they collect money as a result of it or not. He would rather see a revenue stream to cover those additional expenses that will occur. Now, as for zoning he would like to keep in mind that the state as broken it down into three general areas or components of the process: growing, manufacturing and retail. He believes that if they stay within those lines that the state is considering with our zoning regulations that will paint us in a good light. From a job standpoint, most crime and civil unrest has a root in economic livelihood. People want jobs and access to a higher standard of living they can play a key role in making sure that dollars, good dollars that come from this industry that used to be in the shadows stays in the community, by making small businesses have an access to participate in this business. Mr. Burgess opined that if people want to set up large indoor grow businesses they will do it in the valley where the cost of electricity is half the cost of here. It is less labor intensive to do things that way. As we are offering legislative recommendations regarding zoning they need to keep in mind that they are creating employment and business opportunities here and not push those opportunities to the Kenai Peninsula Borough since Homer will still have the costs associated with enforcement and not have the means to do it. The City is currently facing a budget shortfall of \$1 million dollars for next year from current projections. So this is important to keep in mind when they are making their recommendations. He is really excited to be here working on this with everyone on the commission.

Commissioner Lewis commented that it is really interesting seeing this going full circle from growing up in the sixties and seventies. He believed it was going to be entertaining. He never thought it would ever happen. As for the youth, those 18-21 he advocated that they do not impose criminal penalties, they do civil penalties such as \$1000 fine, make it hurt but don't give them a record when they work on regulations and asked Commissioner Robl if he could look into that for them.

#### **ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 8:35 p.m. The next regular meeting is scheduled for THURSDAY, JUNE 25, 2015 at 5:30 p.m. in the City Hall Cowles Council Chambers.

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Renee Krause, CMC, Deputy City Clerk

Approved: \_\_\_\_\_